

JUDGE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR21-109-RSL
)	
Plaintiff,)	
)	STIPULATED MOTION TO
v.)	CONTINUE TRIAL AND PRETRIAL
)	MOTIONS DEADLINE
SEBASTIEN RAOULT,)	
)	
Defendant.)	

Sebastien Raoult, through Assistant Federal Public Defender Dennis Carroll, and Assistant United States Attorney Miriam Hinman, respectfully requests a continuance of the April 3, 2023 trial date to January 16, 2024, and the pretrial motions deadline to November 20, 2023. This motion is made for the following reasons.

On January 27, 2023, Sebastien Raoult appeared for his arraignment and detention hearing after having been arrested on an Indictment charging him and two co-defendants with Conspiracy to Commit Computer Fraud and Abuse (Count 1), in violation of Title 18 U.S.C. §§ 371 and 3559(g)(1); Conspiracy to Commit Wire Fraud (Count 2), in violation of Title 18 U.S.C. §§ 1349 and 3559(g)(1); Wire Fraud (Counts 3-6), in violation of Title 18 U.S.C. §§ 1343 and 2; and Aggravated Identity Theft (Counts 7-9), in violation of Title 18 U.S.C. §§ 1028A(a) and 2. At the hearing, Mr. Raoult pleaded not guilty to the charges and trial was set for April 3, 2023, with pretrial motions due by February 17, 2023. Mr. Raoult was ordered detained and remanded to

1 custody. Dkt 18. On February 7, 2023, the Court signed a Stipulated Protective Order
2 that governs all discovery material produced by the government in this case. Dkt. 24.

3 On February 13, 2023, defense counsel received the initial discovery from the
4 government which contained 89088 pages of discovery. In its cover letter to counsel,
5 the government indicated that it is continuing to gather evidence and the production of
6 additional discovery will be ongoing. This case involves alleged international hacking
7 schemes and the discovery is expected to be voluminous. Although Mr. Raoult can read
8 English, he primarily speaks French. The complication of communicating in a foreign
9 language and the presence of a Protective Order will require defense counsel to spend
10 an inordinate amount of time with Mr. Raoult to discuss the evidence and as well as
11 how he wishes to proceed with his case. In addition, defense counsel will need extra
12 time to analyze the discovery as it comes in, and to identify potential issues that should
13 be presented to the Court in the form of pretrial motions.

14 For these reasons, the parties request the Court find that:

15 (a) taking into account the exercise of due diligence, a failure to grant a
16 continuance would deny counsel for the defendant the reasonable time necessary for
17 effective preparation, due to counsel's need for more time to review the evidence,
18 consider possible defenses, and gather evidence material to the defense, as set forth in
19 18 U.S.C. § 3161(h)(7)(B)(iv); and

20 (b) a failure to grant a continuance would likely result in a miscarriage of justice,
21 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

22 (c) the additional time requested is a reasonable period of delay, as the defendant
23 has requested more time to prepare for trial, to investigate the matter, to gather evidence
24 material to the defense, and to consider possible defenses; and

1 (d) the ends of justice will best be served by a continuance, and the ends of
2 justice outweigh the best interests of the public and the defendant in any speedier trial,
3 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

4 (e) the additional time requested between the current trial date of April 3, 2023,
5 and the new trial date is necessary to provide counsel for the defendant reasonable time
6 to prepare for trial considering counsel's schedule and all of the facts set forth above.

7 Mr. Raoult has executed a speedy trial waiver acknowledging that he is giving
8 up his speedy trial right under the Sixth Amendment and the Speedy Trial Act, 18
9 U.S.C. §§ 3161–3174, and agreeing that the period from April 3, 2023, to no later than
10 February 16, 2024, shall be an excludable period of time pursuant to 18 U.S.C.
11 § 3161(h)(7)(A). The waiver will be filed with this motion.

12 Therefore, counsel respectfully requests a continuance of the trial date to January
13 16, 2024, and the pretrial motions deadline to November 20, 2023. Counsel further asks
14 the Court to exclude the time period from the date of the Court's order to the new trial
15 date for purposes of computing the time limitations imposed by the Speedy Trial Act.

16 DATED this 17th day of February 2023.

17 Respectfully submitted,

18 *s/ Dennis Carroll*
19 Senior Litigator
20 Federal Public Defender Office
21 Attorney for Sebastien Raoult

22 *s/ Miriam Hinman*
23 Assistant United States Attorney
24 *Per electronic authorization*